

ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1, 3-22, and 24-31 are pending in this application. Claims 12-16 and 24-28 are allowed. Claims 7-11, 18-19, and 21-22 are objected to, but would be allowable if put into independent format.

Claims 1, 3-6, 17, 29 and 30 were rejected under 35 U.S.C. §103(a) as being anticipated (sic) by Tsumura *et al.* (U.S. 6,044,253). Claims 1, 3-6, 9, 17, 20/1, 29-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rich in view of Dohi *et al.* (U.S. 6,341,224). For the following reasons, the rejection is respectfully traversed.

Claim 1, as amended, recites a “threshold setting means” for setting a “threshold of an electric field intensity level based on the measured error rate of the received signal” wherein the “threshold setting is varied depending on a transmission condition”. Claim 17, as amended, recites similar method language at lines 11-15. None of the references suggest these elements of claims 1 & 17 as limited by this language.

Tsumura teaches checking, based on a number of errors ( $N_E$ ) detected, whether the estimated received signal strength ( $P_{IN}$ ) is greater than a predetermined value ( $P_{TH}$ ) (col. 5, lines 59-65; see also FIGs 2-3). However, nowhere does Tsumura suggest that its predetermined value ( $P_{TH}$ ) can be varied based on a transmission condition. Instead, Tsumura merely teaches adjusting a gain. There is no suggestion of adjusting a value of a threshold, as recited in the claim.

Neither Rich nor Dohi provide any teachings of the cited elements either. The Examiner cites Dohi as teaching changing a threshold of a “signal to interference ratio” which one skilled in the art would understand is different from a “threshold of an electric field intensity level”. For example, a “ratio” is, by definition, a unitless quantity, whereas an electric field intensity is not unitless (it is typically measured in volts/meter, for example). Accordingly, claims 1 & 17 are patentable over the references.

Similarly, claim 3, as amended, recites a “threshold setting means for setting a threshold of an electric field intensity level based on the transmission condition of the received signal, wherein said threshold setting is varied depending on said transmission condition”. Claim 29, as amended, recites similar method language at lines 9-14. Claim 4 recites “a threshold setting means for setting a variable threshold of an electric field intensity level” wherein “said threshold setting is varied depending on said transmission condition”. Claim 30 recites similar language at lines 14-17.

Tsumura does not teach these elements of claims 3 & 29 because, as discussed above, Tsumura does not suggest varying a threshold based on any transmission condition. In fact, there is no suggestion of varying the threshold setting at all. Instead, Tsumura teaches away from any such variation in the threshold setting because Tsumura teaches that  $P_{TH}$  is a *predetermined* value, not calculated or settable. The other references fail to offer any better teaching of the cited limitations, because they fail to teach a settable electric field threshold (as discussed above). Thus, claims 3, 4, 29, and 30 are all patentable over the references.

The remaining rejected claims are dependent on one of the claims discussed above, and hence are allowable over the references for at least the same reason as the parent claims.

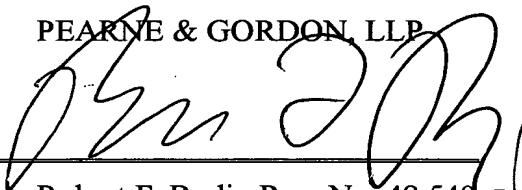
In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32930.

Respectfully submitted,

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